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No. 06-1655

FILED

OCT 23 2007

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Supreme Court of the United States

MAUHOI TUNG,

Petitioner,

v.

HENRY CHIU D.D.S., d/b/a
MOTT STREET DENTAL SERVICES P.C.,

Respondent.

**On Petition For A Writ Of Certiorari
To The State Of New York Court Of Appeals**

PETITION FOR REHEARING

MAUHOI TUNG, Petitioner
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PETITION FOR REHEARING

In this New York State dental malpractice case, Mr. Tung petitions this Court for Rehearing the order of Court of Appeals of New York State denying Petitioner's action that commenced in the Supreme Court of New York State, New York County in connection with the fact that Respondent Henry Chiu D.D.S did a premeditated malignant malpractice plan in the Petitioner's mouth and body which murderously damaged Petitioner's mouth and body tissues causing health problems. There are strong grounds for granting of rehearing and Writ of Certiorari, because Respondent violated the laws and constitutions of New York State and the United States.

New York State Courts denying the Petitioner's action should not be allowed to stand, because it suggests that Respondent Henry Chiu can murderously harm Petitioner and any People by premeditated plan to deprive Petitioner and any People of enjoying the benefit of safe health care, community safety, body safety, human rights and etc. of the laws and constitutions of United States and New York State.

Respondent's brief in Opposition to petition for Writ of Certiorari demonstrates the rehearing and petition should be granted, because it does not explain why Respondent has the right to murderously harm Petitioner but makes the difficulty and confusion surrounding the proper standard of review. Because of this difficulty and confusion blocking the

proper standard of review, this Court should use the inherent power by granting rehearing and petition for protecting citizens (and petitioner) to enjoy the benefit of safe health care, body safety, community safety, human rights and etc. without being harmed by the way like the Petitioner was murderously harmed by Respondent Henry Chiu's premeditated malignant plan; as to defend the cultural values of this land of America.

DISCUSSION

Petitioner went to Respondent for a small problem of a blood ball at the apex of gingival papilla between #18 & #19 teeth at facial side of lower jaw. This blood ball could be easily removed; but the Respondent murderously harmed Petitioner by a premeditated malignant malpractice plan.

This action was commenced by filling the Summons with notice in the Supreme Court of New York State, New York County on November 13, 2003 and served it upon Respondent on March 4, 2004; the Petitioner received the Respondent's appearance with the demand for complaint about April 5, 2004; Complaint was filed and served it upon Respondent about April 15, 2004. In this Supreme Court of New York State: the Petitioner correctly filed complaint according to Court's instruction of "how to file the Summons with Notice or Complaint"; the Respondent answered it with unspecified manner, then Respondent alleged

this Supreme Court does not have jurisdiction for the case, plaintiff was ashamed to answer Court how much, because Petitioner did not know how much for treating; Hon. Abdus-Salaam needed to sign the order transferring the case to Civil Court of New York City as it was demanded by Respondent, and Petitioner did not know how to do it. The Petitioner was trying to get an attorney or an expert but could not get one, Petitioner needed continuing to do it by himself.

In the Civil Court of New York City: on November 17, 2004, Hon. Mathew F. Cooper signed an order and scheduled the date of February 7, 2005 for bench trial. On January 5, 2005, before Hon. Jeffrey K. Oing, there was no trial, the Respondent submitted the alleged prima facie for seeking summary judgment dismissing complaint which was disproved by itself, by the fact and by the Petitioner's papers; but an order dismissing complaint was signed by Hon. Jeffrey K. Oing on February 1, 2005 before the scheduled bench trial date; because this Court may not have jurisdiction for it.

In the Appellate Courts of New York State, Petitioner's comprehensive appellate brief was filed on the Appellate Court's session of December, 2005; however the Appellate Term denied Petitioner's appeal, because of Respondent alleged Petitioner having no competent evidences of said Petitioner does not have an expert. Actually, Petitioner could not get an expert but Petitioner's appellate brief has many reasons and evidences to defeat the Respondent's disproved prima facie or Respondent's brief in

opposition to appellate brief. The Petitioner appealed the case to Appellate Division and Court of Appeals of New York State; because both Court have jurisdictions for it, as Respondent murderously harmed Petitioner by a premeditated malignant plan and the fact exists there. For the reasons discussed hereinafter, rehearing and petition for Writ of Certiorari should be granted.

SUMMARY OF ARGUMENT

This action was correctly started in the Supreme Court of New York State, New York County. This New York Supreme Court has the jurisdiction for it and accepted Petitioner's action, but the Respondent planned to pull this case to Civil Court of New York City for submitting the disproved prima facie to obtain summary judgment dismissing complaint and locking this New York State Supreme Court's jurisdictional case in this City Civil Court causing difficulties. The Respondent's expert dental opinion based on the Respondent Henry Chiu's premeditated false records constituting the alleged prima facie for denying Petitioner's action, which improperly depriving Petitioner's right of litigation. New York Courts denied Petitioner's action resulted in Petitioner needs to appeal the case to the Supreme Court of the United States; because Respondent violated laws and constitutions of the United States and New York State, as Respondent murderously harmed Petitioner by a premeditated malignant plan, and

damaged Petitioner's mouth and body tissues, which to be recorded in the Petitioner's mouth and body.

ARGUMENT

Rehearing and petition for Writ of Certiorari should be granted. Because,

The Respondent submitted the alleged prima facie based on Respondent Henry Chiu's premeditated false records for denying Petitioner's action, which improperly depriving Petitioner's right of litigation, because this alleged prima facie had been disproved by the fact and the direct evidences in the Petitioner's mouth and body.

The Respondent murderously harmed the Petitioner by a premeditated malignant plan violating the laws and constitutions of the United States and New York State of which protecting citizens' right to enjoy the benefit of safe health care, community safety, body safety, human rights and etc. of laws and constitutions of the United States and New York State.

Petitioner Mr. Tung respectfully requests that rehearing be granted to enable the fact and the direct evidences showing for the case.

CONCLUSION

The petition for rehearing should be granted.

Respectfully submitted,

October 23, 2007

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CERTIFICATION

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay.

MAUHOI TUNG, Petitioner